

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5448

AN ORDINANCE authorizing and providing for the acquisition of easement rights for the 184th Avenue SE Water and Sewer Extension Projects, CIP Plan Nos. W-68 and S-30 respectively; providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 9, 2002, the City Council adopted the 2003-2009 CIP that includes CIP Plan Nos. W-68 and S-30, the 184th Avenue SE Water and Sewer Extension Projects; and

WHEREAS, the adopted CIP Plan No's. W-68 and S-30 support ongoing programs for designing and constructing water distribution and wastewater collection facilities to serve areas that currently do not have City service available; and

WHEREAS, each project requires support by a majority of the benefited property owners, unless public health or safety is a concern; and

WHEREAS, Bellevue Utilities has received letters from a majority of the property owners which would benefit from the 184th Avenue SE Water and Sewer Extension Projects; and

WHEREAS, the City Council finds that the public health, safety, necessity and convenience demand that said projects be undertaken and that in order to carry out the projects it is necessary at this time for the City to acquire interests and rights to the properties described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interests in the land and property rights hereinafter described be condemned, appropriated, taken and damaged for public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The land and property rights within the City of Bellevue, King County, Washington, described in the attached Exhibit "A", necessary for public utility purposes, are hereby condemned, appropriated, taken and damaged for such public purposes, subject to making or paying just compensation to the owners thereof in the manner provided by law.

Section 2. The cost and expense of acquiring said property rights shall be paid for from the Capital Investment Plan, or from other monies the City may have available or may obtain therefore. The Director of the Utility Department or his designee is hereby authorized to negotiate with and make offers to the owners of said land or property for the purposes of making or paying just compensation, and to approve the payment of just compensation as negotiated with said owners or as ordered by the Court.

Section 3. The City Attorney is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, take and damage the land and property necessary to carry out the provisions of this ordinance. The City Attorney is further authorized to approve and enter into any and all such agreements, stipulations, and orders necessary to carry out the provision of this ordinance, including for the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 16th day of June, 2003, and signed in authentication of its passage this 16th day of June, 2003.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Patrice C. Cole
Patrice C. Cole, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published June 20, 2003

EXHIBIT A

PARCEL 4844
TAX LOT 182406-9092

WATER AND SEWER EASEMENT LEGAL DESCRIPTION

A PORTION OF THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;
THENCE SOUTH $88^{\circ}18'41''$ EAST ALONG THE QUARTER LINE, 1,578.99 FEET;
THENCE SOUTH $00^{\circ}41'45''$ WEST 122.71 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH $89^{\circ}36'25''$ WEST 36.41 FEET;

THENCE SOUTH $25^{\circ}52'50''$ WEST 116.32 FEET;

THENCE SOUTH $89^{\circ}36'25''$ EAST 295 FEET, MORE OR LESS, TO THE CENTER OF THE CREEK;

THENCE NORTHEASTERLY ALONG SAID CREEK 135 FEET, MORE OR LESS, TO A POINT THAT BEARS SOUTH $89^{\circ}36'25''$ EAST FROM THE TRUE POINT OF BEGINNING;

THENCE NORTH $89^{\circ}36'23''$ WEST TO THE TRUE POINT OF BEGINNING AND END OF DESCRIBED PARCEL.

BEGINNING AT THE NORTHWEST CORNER OF ABOVE DESCRIBED PARCEL;
THENCE SOUTH $25^{\circ}52'50''$ WEST 116.32 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE SOUTH $89^{\circ}36'25''$ EAST 18.66 FEET;

THENCE NORTH $25^{\circ}23'45''$ EAST 8.55 FEET;

THENCE NORTH $24^{\circ}40'39''$ EAST 106.67 FEET;

THENCE NORTH $89^{\circ}36'25''$ WEST 16.10 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND TERMINUS OF HEREIN DESCRIBED WATER AND SEWER EASEMENT.

CONTAINS 1830 SQUARE FEET.

941-003/4844

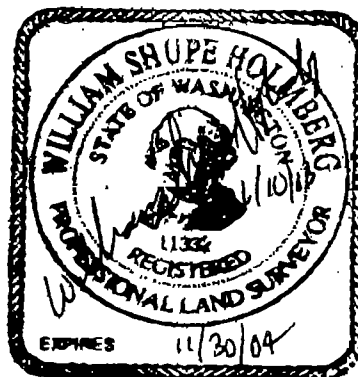


EXHIBIT A

**PARCEL 4845
TAX LOT 182406-9099**

WATER AND SEWER EASEMENT LEGAL DESCRIPTION

A PORTION OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

THENCE SOUTH 88°18'41" EAST ALONG THE QUARTER LINE, 1,578.99 FEET TO POINT "A";

THENCE SOUTH 00°41'45" WEST 17.71 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°36'25" EAST 292.91 FEET, MORE OR LESS TO THE CENTER LINE OF A CREEK;

THENCE SOUTH 64°04'00" EAST ALONG SAID CENTER LINE TO A POINT WHICH IS SOUTH 68°25'27" EAST 339.54 FEET AND SOUTH 01°23'25" EAST 92.81 FEET FROM SAID POINT "A";

THENCE SOUTH 01°23'25" WEST TO A POINT OF INTERSECTION WITH A LINE BEARING SOUTH 89°36'25" EAST FROM POINT "B", POINT "B" BEING SOUTH 00°41'45" WEST 122.71 FEET FROM SAID POINT "A"

THENCE NORTH 89°36'25" WEST 353.71 FEET, MORE OR LESS TO A POINT NORTH 89°36'25" WEST 36.41 FEET FROM SAID POINT "B";

THENCE NORTH 25°52'50" EAST 66.76 FEET TO A POINT 8 FEET WEST OF POINT "C", POINT "C" BEING SOUTH 00°41'45" WEST 62.38 FEET FROM SAID POINT "A";

THENCE EAST 8 FEET TO SAID POINT "C";

THENCE NORTH 00°41'45" EAST 44.67 FEET TO THE TRUE POINT OF BEGINNING, AND END OF DESCRIBED PARCEL.

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL;

THENCE SOUTH 00°41'45" WEST 44.67 FEET;

THENCE NORTH 90°00'00" WEST 8.00 FEET;

THENCE SOUTH 25°52'50" WEST 66.76 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE SOUTH 89°36'25" EAST 16.10 FEET;

THENCE NORTH 25°05'54" EAST 25.98 FEET;

THENCE NORTH 19°17'58" EAST 86.04 FEET;

THENCE NORTH 89°36'25" WEST 17.86 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND TERMINUS OF HEREIN DESCRIBED WATER AND SEWER EASEMENT. CONTAINS 1323 SQUARE FEET.

